

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PROGRESS RAIL SERVICES CORPORATION,)	
)	
)	
Plaintiff,)	ORDER
)	
vs.)	8:05CV98
)	
WESTERN HERITAGE CREDIT UNION, and DAVID G. BRADFORD,)	
)	
)	
Defendants.)	
)	
WESTERN HERITAGE CREDIT UNION,)	
)	
Cross-claimant,)	
)	
vs.)	
)	
DAVID G. BRADFORD,)	
)	
Cross-defendant.)	

This matter is before the court on the parties' Stipulated Motion for Extension of Progression Order (Filing No. 23). The court heard the motion during a September 29, 2005 telephone conference. Jeremy Morris, counsel for the plaintiff; Michael Degan, counsel for the defendant; and David G. Bradford (Bradford) participated in the telephone conference. There was no objection to the requested extension of the planning conference currently scheduled for October 11, 2005. **See** Filing No. 11. Accordingly, the planning conference is continued to January 17, 2006, at 9:30 a.m. Central Daylight Time. Plaintiff's counsel shall initiate the telephone conference. In addition, any unexpired deadlines in the Order Setting Schedule for Initial Progression of Case (Filing No. 11) are extended by ninety days.

Bradford has not filed an appearance and has not filed an answer to the plaintiff's complaint. The court received an original response to the amended complaint in the form of a letter attached to correspondence to the court from the plaintiff's counsel. During today's

telephone conference, Bradford represented that such letter constituted his answer to the Amended Complaint. The parties have no objection to the filing of such letter as Bradford's answer to the Amended Complaint. Accordingly, the clerk of court shall file such letter as Bradford's answer to the Amended Complaint. Furthermore, the clerk shall note on the docket the appearance of Bradford pro se.

IT IS ORDERED:

1. The parties' Stipulated Motion for Extension of Progression Order (Filing No. 23) is granted as set forth herein.

2. A **telephone** conference with the undersigned magistrate judge will be held on **January 17, 2006, at 9:30 a.m. Central Daylight Time** for the purpose of reviewing preparation of the case to date and scheduling the case for trial. Plaintiff's counsel shall initiate the telephone conference.

3. The Clerk of Court shall note on the docket the appearance of defendant David G. Bradford pro se and his contact information:

David G. Bradford
29067 Highway 11
Hudson, SD 57034
(605) 987-4279

Furthermore, the Clerk of Court shall mail a copy of this Order to David G. Bradford.

4. The defendant David G. Bradford shall keep the court informed of his current address and telephone number at all times while this case is pending.

5. Litigants in this district usually serve copies of motions and other documents filed with the court on other parties to the case by first class mail, postage prepaid. The defendant David G. Bradford shall include with each original document submitted to the court a "**Certificate of Service**" stating the date true and correct copies of such document were mailed to each attorney representing a party in the case. It is a violation of the rules of court to send communications to the court without serving copies on the other parties to the case.

6. Bradford is advised that he is bound by the Federal Rules of Civil Procedure and by the Local Rules of this court in the litigation of this case. The federal rules are available

at any law library, and the local rules are available at the office of the Clerk of Court, and also on the court's web site at www.ned.uscourts.gov.

DATED this 29th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge